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Message Text

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ACTION OES-09

INFO OCT-01 EUR-12 ISO-00 AID-05 CEQ-01 CIAE-00 SOE-02
COME-00 DODE-00 EB-08 EPA-01 INR-10 IO-13 L-03
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INFO EC COLLECTIVE

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E. O. 11652: N/A
TAGS: SENV, PINT, GW
SUBJECT: FRG CABINET MOVES TO RECODIFY AND TOUGHEN
ENVIRONMENTAL PROTECTION LAWS

1. SUMMARY: THE CABINET HAS DECIDED TO ORDER REDRAFTING OF A NUMBER OF ENVIRONMENTAL PROTECTION LAWS TO STRENGTHEN ENFORCEMENT AND TO ELIMINATE THE CONFUSION OF UNCLEAR, OFTEN OVERLAPPING, RULES. END SUMMARY.

2. ACCORDING TO PRESS REPORTS, THE CABINET PROPOSAL CALLS FOR THE CODIFICATION OF ALL ENVIRONMENTAL LAWS INTO ONE LUCID DOCUMENT. IT ALSO CALLS FOR THE STRENGTHENING OF LEGAL PROCEDURES TO MAKE CONVICTIONS OF ENVIRONMENTAL OFFENDERS EASIER AND FOR A TOUGHENING OF PENALITIES. AS ONE PART OF THIS WORK, THE CABINET ORDERED THAT A DRAFT LAW SPECIFICALLY DESIGNED TO COVER DANGEROUS SUBSTANCES BE PRESENTED BY MAY 1979. THE MAIN FEATURE OF THE NEW LAW WILL BE TO MAKE PRODUCERS AND IMPORTERS OF NEW SUBSTANCES RESPONSIBLE FOR TESTING THEM FOR ENVIRONMENTAL HAZARDS. THE CHEMICAL INDUSTRY HAS ESTIMATED THAT THIS PROPOSAL COULD COST IT
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DM 13 TO DM 15 MILLION A YEAR.

3. THE PROPOSAL WILL ALSO CHANGE THE LEGAL PROCEDURES OF ENVIRONMENTAL ENFORCEMENT. IN ORDER TO MAKE CONVICTIONS EASIER TO OBTAIN, THE PROSECUTION WILL NO LONGER HAVE TO PRODUCE EVIDENCE THAT A SPECIFIC POLLUTION SOURCE CAUSED AN ACTUAL HARM OR DANGER. IN

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THE FUTURE, IT WILL BE ENOUGH TO SHOW THAT A POLLUTING ACT COULD BE EXPECTED TO LEAD TO HARM.

4. JUSTICE MINISTER JOCHEN VOGEL IS QUOTED IN DIE WELT AS COMMENTING THAT THE PROPOSED RECODIFICATION WILL MAKE ENVIRONMENTAL REQUIREMENTS CLEARER AND WILL STRENGTHEN CRIMINAL PENALTIES (UP TO FIVE YEARS IN PRISON) FOR FIRMS AND INDIVIDUALS THAT DISREGARD THEM. VOGEL REFUSED TO PREDICT WHETHER THE LAW COULD BE PASSED IN THIS SITTING OF THE BUNDESTAG.

5. THE GOVERNMENT HAS COME UNDER SOME CRITICISM LATELY FROM THE CDU FOR FAILING TO TAKE STRONG ENOUGH ACTION ON ENVIRONMENTAL QUESTIONS. MOST RECENTLY, THE CDU COASTLINES WORKING GROUP CALLED FOR MUCH STRICTER REGULATIONS TO PROTECT THE NORTH AND BALTIC SEA COASTS FROM OIL SPILL DISASTERS SUCH AS THE AMOCO CADIZ. A TRANSPORT MINISTRY SOURCE INDICATED TO EMBOFF THAT THE PROPOSED CHANGES IN ENVIRONMENTAL LAWS ARE THE CENTERPIECE OF THE GOVERNMENT'S ANSWER TO CDU CRITICISM.
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